

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

KURTA VIUS JERMON SMITH,)	
)	
Petitioner,)	Civil Action No. 21-1227
)	
v.)	District Judge Arthur J. Schwab
)	Magistrate Judge Kezia O.L.
SCI GREENE, THE DISTRICT)	Taylor
ATTORNEY OF THE COUNTY OF)	
FAYETTE, and THE ATTORNEY)	
GENERAL OF THE STATE OF)	
PENNSYLVANIA,)	
)	
Respondents.)	

ORDER

On September 13, 2021, Petitioner Kurtavius Jermon Smith (“Petitioner”) filed a Petition for Writ of Habeas Corpus (“Petition”) pursuant to 28 U.S.C. § 2254 ([Doc. 1](#)).

This matter was referred to U.S. Magistrate Judge Lisa Pupo Lenihan, and upon her retirement, to Chief U.S. Magistrate Judge Richard A. Lanzillo, and then to U.S. Magistrate Judge Kezia O.L. Taylor, for proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636, and Local Civil Rule 72.

On May 23, 2024, U.S. Magistrate Judge Taylor filed a Report and Recommendation, recommending that Petitioner’s Petition for Writ of Habeas Corpus be denied and that a certificate of appealability be denied. ([Doc. 23](#)).

In the Report and Recommendation, Petitioner was notified that, pursuant to 28 U.S.C. § 636(b)(1) and Local Civil Rule 72.D.2, he had fourteen (14) days from the date of service of a copy of the Report and Recommendation to file written objections to the Report and Recommendation. (*Id.*).

On June 10, 2024, Petitioner filed a Motion for an Extension of Time to file his objections to the Report and Recommendation, specifically an additional 60 days. ([Doc. 24](#)).

On June 12, 2024, the Court granted in part and denied in part Defendant's Motion for an Extension of Time to file his objections to the Report and Recommendation. ([Doc. 25](#)).

In particular, the Court granted Petitioner's Motion to the extent Petitioner sought an extension of time to file objections to the Report and Recommendation, but denied the Motion to the extent Petitioner requested a 60 day extension to file said objections. (*Id.*). The Court then ordered Petitioner to file any and all objections to the Report and Recommendation later than July 10, 2024. (*Id.*).

Petitioner filed Objections to the Report and Recommendation. ([Doc. 26](#)). While Petitioner's Objections are postmarked July 11, 2024, Petitioner's Objections are dated July 5, 2024, as is the Certificate of Service attached to the Objections. (*Id.*, [Doc. 26-1](#)). Accordingly, the Court deems Petitioner's Objections timely filed.

After *de novo* review of the Record in this matter, U.S. Magistrate Judge Taylor's thorough Report and Recommendation ([Doc. 23](#)), and Petitioner's Objections to the Report and Recommendation ([Doc. 26](#)), which the Court finds are meritless, the Court ORDERS that Petitioner's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 ([Doc. 1](#)) is DENIED.

The Court further ORDERS that a certificate of appealability is DENIED.

The Court further ORDERS that U.S. Magistrate Judge Taylor's May 23, 2024 Report and Recommendation ([Doc. 23](#)) is adopted as the Opinion of the Court.

The Clerk of Court shall mark this case CLOSED.

SO ORDERED, this 30th day of July, 2024,

s/Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: U.S. Magistrate Judge Kezia O.L. Taylor

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